

Moved (movement, move). Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.

Quarantined area. Any State, or any portion of a State, listed in § 301.53-3(c) or otherwise designated as a quarantined area in accordance with § 301.53-3(b).

Regulated article. Any article listed in § 301.53-2(a) or otherwise designated as a regulated article in accordance with § 301.53-2(b).

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory, or possession of the United States.

§ 301.53-2 Regulated articles.

The following are regulated articles:

(a) The emerald ash borer; firewood of all hardwood (non-coniferous) species; nursery stock, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus*.

(b) Any other article, product, or means of conveyance not listed in paragraph (a) of this section may be designated as a regulated article if an inspector determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

[68 FR 59088, Oct. 8, 2003, as amended at 70 FR 252, Jan. 4, 2005]

§ 301.53-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section each State or each portion of a State in which the emerald ash borer has been found by an inspector, in which the Administrator has reason to believe that the emerald ash borer is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities where emerald ash borer has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than an entire State as a quarantined area will be adequate to prevent the artificial interstate spread of the emerald ash borer.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area as a quarantined area in accordance with the criteria specified in paragraph (a) of this section. The Administrator will give written notice of this designation to the owner or person in possession of the nonquarantined area, or, in the case of publicly owned land, to the person responsible for the management of the nonquarantined area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area either will be added to the list of designated quarantined areas in paragraph (c) of this section, or the Administrator will terminate the designation. The owner or person in possession of, or, in the case of publicly owned land, the person responsible for the management of, an area for which the designation is terminated will be given written notice of the termination as soon as practicable.

(c) The following areas are designated as quarantined areas:

Indiana

LaGrange County. Clay Township, Lima Township, Newbury Township, Van Buren Township.

Steuben County. Jamestown Township, Millgrove Township.

Michigan

Alcona and Iosco Counties. Cedar Lake/Van Etten area: That portion of the counties bounded by a line drawn as follows: Beginning at the intersection of Poor Farm Road and Kings Corner Road; then north on Poor Farm Road to Wissmiller Road; then east on

Wissmiller Road to Cedar Lake Road; then north on Cedar Lake Road to Smith Road; then east on Smith Road to and across U.S. Highway 23, continuing east to the Lake Huron shoreline; then south along the Lake Huron shoreline to a point on the shoreline east of the intersection of Interlake Drive and Ridge Road; then west to Interlake Drive and continuing west on Interlake Drive to Loud Drive, then northwest on Loud Drive to Love Road; then north on Love Road to the point of beginning.

Antrim, Grand Traverse, and Kalkaska Counties. Lake Skegemog/Torch Lake area: That portion of the counties bounded by a line drawn as follows: Beginning in Grand Traverse County at the intersection of Elk Lake Road and Michigan Route 72; then east on Michigan Route 72, crossing into Kalkaska County, to McNulty Hill Road NW.; then east on McNulty Hill NW. to Hill Road NW.; then east on Hill Road NW. to Way Road NW.; then north and northwest on Way Road NW. to Gillett Road NW.; then north on Gillett Road NW. to Valley Road NW.; then east on Valley Road NW. to Kellogg Road NW.; then north on Kellogg Road NW. to Plum Valley Road NW.; then west on Plum Valley Road NW. to Manley Road NW.; then north on Manley Road NW. to the Kalkaska/Antrim County line; then west along the Kalkaska/Antrim County line to the intersection of the Clearwater, Milton, and Helena Township lines; then northeast along the Helena/Milton Township line to a point due east of Ringler Road; then west from that point to Ringler Road and continuing west on Ringler Road to its western terminus; then due west from the terminus of Ringler Road to the Milton/Elk Rapids Township line; then south along the Milton/Elk Rapids Township line to the Antrim/Grand Traverse County line; then west along the Antrim/Grand Traverse County line to Elk Lake Road; then south on Elk Lake Road to the point of beginning.

Barry and Ionia Counties. Lake Odessa area: That portion of the counties bounded by a line drawn as follows: Beginning at the intersection of Thompson Road and Bell Road; then south on Bell Road to its intersection with Vedder Road and Messer Road; then continuing south on Messer Road to Brown Road; then east on Brown Road to Osborne Road; then south on Osborne Road to Jordon Road; then east on Jordon Road to Martin Road; then north on Martin Road to its intersection with Vedder Road and Bliss Road; then continuing north on Bliss Road to Musgrove Highway; then west on Musgrove Highway to Jackson Road; then north on Jackson Road to Campbell Road; then west on Campbell Road to Nash Highway; then south on Nash Highway to Thompson Road; then west on Thompson Road to the point of beginning.

Berrien County. St. Joseph area: That portion of the county bounded by a line drawn

as follows: Beginning at the intersection of Interstate 94 and Maiden Lane; then west on Maiden Lane to Red Arrow Highway; then west along an imaginary line along the south boundaries of properties known as Sunset Shores, Woodgate by the Lake, The Shores North, and Shoreham Condominiums to Lake Michigan; then northeast along the Lake Michigan shoreline to the St. Joseph River; then east along the southern shoreline of the St. Joseph River to the west channel shoreline; then southeast along the west channel shoreline to a point opposite of West May Street; then east along an imaginary line across the St. Joseph River to West May Street; then east on West May Street to Windsor Road; then south and east on Windsor Road to Colfax Avenue; then south on Colfax Avenue and continuing south along an imaginary line to Interstate 94 at a point near Hollywood Road; then southwest on Interstate 94 to the point of beginning.

Branch County. The entire county.

Calhoun County. The entire county.

Cheboygan and Presque Isle Counties. Forest Township area: That portion of the counties bounded by a line drawn as follows: Beginning at the intersection of Walters Road and Center Line Road; then south on Center Line Road to Clute Road; then east on Clute Road to Martins Grove; then south on Martins Grove to Schommer Road; then south on Schommer Road to its end then continuing south along an imaginary line to Post Road; then east on Post Road to Black River Road; then east on Black River Road to Canada Creek Road; then east on Canada Creek Road to Highway 634; then north and east on Highway 634 to Michigan Route 33; then northwest and north on Michigan Route 33 to 4 Mile Highway; then west on 4 Mile Highway to the Cheboygan/Presque Isle County line; then continuing west on an imaginary line to Walters Road; then west on Walters Road to the point of beginning.

Clinton County. The entire county.

Eaton County. The entire county.

Emmet County. Petoskey area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of Pickarel Lake Road and Fletcher Road; then south on Fletcher Road to Atkins Road; then east and south on Atkins Road to Greenwood Road; then south and east on Greenwood Road to Russett Road; then south on Russett Road to King Road; then west and southwest on King Road to Evergreen Trail; then northwest and west on Evergreen Trail to River Road; then south on River Road to Gruler Road; then west on Gruler Road to U.S. Highway 131; then north on U.S. Highway 131 to Sheridan Street; then west on Sheridan Street to Eppler Road; then north on Eppler Road to Charlevoix Avenue, and continuing north on an imaginary line to Little Traverse Bay; then north and northeast along the shoreline of Little Traverse Bay to Bear

Creek/Little Traverse Township line; then east along the Bear Creek/Little Traverse Township line to U.S. Highway 31; then southwest on U.S. Highway 31 to Graham Road; then east on Graham Road to Bellmer Road; then south on Bellmer Road to Pickerel Lake Road; then west on Pickerel Lake Road to the point of beginning.

Genesee County. The entire county.

Grand Traverse County. Peninsula Township.

Gratiot County. The entire county.

Hillsdale County. The entire county.

Ingham County. The entire county.

Jackson County. The entire county.

Kent County. Kentwood/Wyoming/Grand Rapids area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of 36th Street SW. and Byron Center Avenue SW.; then east on 36th Street SW. to 36th Street SE.; then east on 36th Street SE. to Kalamazoo Avenue SE.; then south on Kalamazoo Avenue SE. to 68th Street SE.; then west on 68th Street SE. to 68th Street SW.; then west on 68th Street SW. to Burlingame Avenue SW.; then south on Burlingame Avenue SW. to 72nd Street SW.; then west on 72nd Street SW. to Byron Center Avenue SW.; then north on Byron Center Avenue SW. to the point of beginning.

Lapeer County. The entire county.

Lenawee County. The entire county.

Livingston County. The entire county.

Macomb County. The entire county.

Manistee County. Tippy Dam area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of the Dickson, Maple Grove, and Marilla Township lines; then west along the Maple Grove/Dickson Township line to Clements Road; then south on Clements Road to Fife Springs Road; then east on Fife Springs Road to Dilling Road; then south and southeast on Dilling Road to River Road; then east and northeast on River Road to the Dickson/Marilla Township line; then west along the Dickson/Marilla Township line to the point of beginning.

Midland County. Coleman area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of Shearer Road and East County Line Road; then south on East County Line Road to its end, then continuing south along the Midland/Isabella County line to Ruhle Road; then east on Ruhle Road to Coleman Road; then south on Coleman Road to McNally Road; then east on McNally Road to Castor Road; then north on Castor Road to Grant Street; then northwest on Grant Street to Barden Road; then northeast on Barden Road to Saginaw Road; then southeast on Saginaw Road to Michigan Route 18; then north on Michigan Route 18 to Shearer Road; then west on Shearer Road to the point of beginning.

Monroe County. The entire county.

Montcalm County. Crystal Lake area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of East Klees Road and North Vickeryville Road; then south on North Vickeryville Road to East Stanton Road; then west on East Stanton Road to South Tow Road; then south on South Tow Road to East Sidney Road; then east on East Sidney Road to South Vickeryville Road; then south on South Vickeryville Road to East Holland Lake Road; then east on East Holland Lake Road to South Bollinger Road; then north on South Bollinger Road to East Sidney Road; then east on East Sidney Road to South Mount Hope Road; then north on South Mount Hope Road to East Pakes Road; then west on East Pakes Road to North Blakmer Road; then north on North Blakmer Road to East Kimball Road; then west on East Kimball Road to North Crystal Road; then north on North Crystal Road to East Willard Road; then west on East Willard Road to North Waldron Road; then south on North Waldron Road to East Klees Road; then west on East Klees Road to the point of beginning.

Oakland County. The entire county.

Oceana County. Pentwater Township, including the Village of Pentwater.

Oscoda County. McKinley area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of Reber Road and Abbe Road; then east on Reber Road to Pearsall Road; the south and east on Pearsall Road to Barakel Trail; then east on Barakel Trail to Shear Lake Road; then south on Shear Lake Road to Miller Road, then continuing due south along an imaginary line to Old State Road; then west on Old State Road to McKinley Road; then west on McKinley Road to Abbe Road; then north on Abbe Road to the point of beginning.

Presque Isle County. Ocqueoc Lake area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of Town Hall Highway and Thorne Road; then east on Town Hall Highway to Balch Road; then north on Balch Road to Beach Highway; then east on Beach Highway to U.S. Highway 23; then southeast on U.S. Highway 23 to Acorn Ridge Highway; then west on Acorn Ridge Highway to Brege Road; then south on Brege Road to its terminus; then due south from that point along an imaginary line to where Brege Road begins again; then south on Brege Road to Pomranke Highway; then west on Pomranke Highway to Dittmar Road; then continuing due west along an imaginary line to Roost Road; then north on Roost Road to its northern end; then continuing due north from that point to Shells Highway; then west on Shells Highway to Thorne Road; then north on Thorne Road to the point of beginning.

Roscommon County. Saint Helen area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of Marl Lake Road and North Saint Helen Road; then south on North Saint Helen Road to the School Road; then east on School Road to Meridian Road; then south on Meridian Road to Carter Lake Road; then west on Carter Lake Road to Michigan Route 76; then south on Michigan Route 76 to Interstate 75; then west on Interstate 75 to Maple Valley Road; then north on Maple Valley Road to its terminus; then north from the terminus of Maple Valley Road along the Higgins/Richland Townships boundary line across Lake St. Helen to the intersection of Richland Township, Sections 18 and 19, and Higgins Township, Sections 13 and 24; then east along the southern boundary of Higgins Township Section 18 to Moore Road; then north on Moore Road to Marl Lake Road, then east on Marl Lake Road to the point of beginning.

Saginaw County. The entire county.

Sanilac County. (1) Brown City area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of Montgomery Road and Cade Road; then south on Cade Road to Wilcox Road; then east on Wilcox Road to Shephard Road; then north on Shephard Road to Montgomery Road; then west on Montgomery Road to the point of beginning.

(2) Sanilac Township area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of Walker Road and Ridge Road; then south on Ridge Road to Townsend Road; then west on Townsend Road to Wildcat Road; then south on Wildcat Road to Aitken Road; then east on Aitken Road to its terminus; then east to the Lake Huron shoreline; then north along the Lake Huron shoreline to a point on the shore due west of Walker Road; then west along an imaginary line to Walker Road; then west on Walker Road to the point of beginning.

Shiawassee County. The entire county.

St. Clair County. The entire county.

St. Joseph County. Nottawa/Colon area: That portion of the county bounded by a line drawn as follows: Beginning at the intersection of Prairie Corners Road and Bucknell Road; then south on Bucknell Road to Michigan Route 86; then east on Michigan Route 86 to Michigan Route 66, then continuing east on Bonham Road to Lepley Road; then north on Lepley Road to Spring Creek Road; then east on Spring Creek Road to Hodges Road; then north on Hodges Road to Colon Road; then west on Colon Road to Michigan Route 66; then north on Michigan Route 66 to Prairie Corners Road; then west on Prairie Corners Road to the point of beginning.

Washtenaw County. The entire county.

Wayne County. The entire county.

Ohio

Auglaize County. Duchouquet Township.

Defiance County. Hicksville Township.

Fulton County. That portion of the county east of State Route 108.

Hancock County. Allen Township.

Henry County. That portion of the county east of State Route 108 and north of the Maumee River.

Lucas County. The entire county.

Ottawa County. That portion of the county north of State Route 163 and State Route 105.

Sandusky County. That portion of the county north of U.S. Highway 20.

Wood County. (1) That portion of the county north of State Route 582.

(2) Bloom Township.

(3) Henry Township.

[68 FR 59088, Oct. 8, 2003, as amended at 70 FR 252, Jan. 4, 2005; 70 FR 10316, Mar. 3, 2005; 70 FR 62231, Oct. 31, 2005]

§ 301.53-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Regulated articles may be moved interstate from a quarantined area only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.53-5 and 301.53-8;

(b) Without a certificate or limited permit if:

(1) The regulated article is moved by the United States Department of Agriculture for experimental or scientific purposes; or

(2) The regulated article originates outside the quarantined area and is moved interstate through the quarantined area under the following conditions:

(i) The points of origin and destination are indicated on a waybill accompanying the regulated article; and

(ii) The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40 °F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

(iii) The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or handled at locations approved by an inspector as not posing